

JOHN L. BURRIS, Esq./ State Bar # 69888  
LAW OFFICES OF JOHN L. BURRIS  
7677 Oakport Street, Suite 1120  
Oakland, CA 94621  
Telephone: (510) 839-5200  
Facsimile: (510) 839-3882

GAYLA B. LIBET, Esq./ State Bar # 109173  
LAW OFFICES OF GAYLA B. LIBET  
486 41st Street, Suite 3  
Oakland, CA 94609  
Telephone and Facsimile: (510) 420-0324

Attorneys for Plaintiffs

Kimberly E. Colwell, Esq./ State Bar # 127604  
Tricia L. Hynes, Esq./ State Bar # 212550  
Meyers, Nave, Riback, Silver & Wilson  
555 12th Street, Suite 1500  
Oakland, CA 94607  
Telephone: (510) 808-2000  
Facsimile: (510) 444-1108  
E-Mail: Thynes@meyersnave.com

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

<p>LIONEL N. ALLEN; RALPH P. DAVIS; MONICA OATEZ; MICHAEL OATEZ; MARWAN OATEZ; JOHNNY D. STOKES, and, MICHAEL A. FLEURY,</p> <p style="text-align: center;">Plaintiffs</p> <p>vs.</p> <p>CITY OF SAN LEANDRO, a municipal corporation; JOSEPH KITCHEN, in his capacity as Chief of Police for CITY OF SAN LEANDRO; and, DOES 1-25, inclusive, individually, and in their capacity as San Leandro police officers,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: right;">Action No. C-07-03509-PJH</p> <p><b><u>JOINT CASE MANAGEMENT CONFERENCE STATEMENT</u></b></p> <p>Date: March 27, 2008, Time: 1:30 p.m. Ctmm.: 3 / 17th Floor, S.F. Federal Bldg.</p> <p><b>Honorable Phyllis J. Hamilton</b></p>
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Parties to this action submit their Joint Case Management Conference Statement, and request the Court adopt it as the Case Management Order in this action:

**1. JURISDICTION AND SERVICE:**

This action arises under Title 42 U. S.C. Section 1983. Jurisdiction is conferred upon this Court by Title 28 U. S. C. Sections 1331 and 1343. The alleged acts and practices herein

1 occurred in the Cities of San Leandro and Oakland, California, which is within this judicial  
2 district. Venue is conferred upon this Court by Title 28 U. S. C. Section 1391(b).

3 **2. STATEMENT OF FACTS AND PRINCIPAL FACTS IN DISPUTE:**

4 **A. Plaintiffs' Description of Events Underlying the Action and Factual Bases for**  
5 **Claims:**

6 On 7-4-06, at approximately 9:00 p.m., all plaintiffs, except MICHAEL FLEURY, were at  
7 plaintiff LIONEL N. ALLEN's house, located at 543 Dowling Blvd., in San Leandro, California,  
8 where LIONEL ALLEN was hosting a fourth of July celebration, attended by approximately  
9 twenty (20) adults and children. Plaintiffs LIONEL ALLEN and RALPH P. DAVIS walked  
10 toward DAVIS' car, as plaintiff DAVIS was about to leave the party. As plaintiff DAVIS  
11 reached his car, he realized he did not have his keys, so plaintiff ALLEN went to retrieve them  
12 for him. Plaintiff DAVIS started to walk across the street toward plaintiff ALLEN to retrieve his  
13 keys from him. When plaintiff DAVIS reached the middle of the street, he noticed headlights  
14 coming at a high rate of speed towards him from Bancroft Street. Plaintiffs DAVIS and ALLEN  
15 then walked back towards plaintiff DAVIS' car on the opposite side of the street. As the  
16 speeding car approached them, plaintiffs ALLEN and DAVIS notice that the four to five men in  
17 that speeding car were undercover police officers. The speeding car stopped right in front of  
18 ALLEN and DAVIS.

19 At that time, approximately six (6) San Leandro Police Dept. (hereinafter referred to as  
20 "SLPD") and SLPD Swat team vehicles pulled up at a high rate of speed, and then stopped right  
21 near where the first undercover SLPD car had stopped in directly in front of plaintiffs DAVIS  
22 and ALLEN. Then, several defendant DOE officers jumped out of their vehicles, and without  
23 any just provocation or cause, drew their guns (which appeared to be rifles or assault weapons)  
24 and pointed them directly at plaintiffs DAVIS and ALLEN. One of the defendant officers  
25 shouted repeatedly, "Motherfucker, face down on the ground or I will kill you!"

26 Despite the fact that plaintiffs DAVIS and ALLEN complied with defendant officers, by lying  
27 face down on the ground, one of defendant officers, without any just provocation or cause, one of  
28 defendant officers proceeded to assault and batter plaintiff DAVIS, in that he violently grabbed  
his gun directly at plaintiff DAVIS' face, while another defendant officer conducted a search of



1 plaintiff DAVIS' person. When plaintiff DAVIS pleaded for his life to the defendant officer,  
2 said officer shoved his gun harder at plaintiff DAVIS' face and shouted, "Shut the fuck up."

3 At the same time defendant officers were assaulting and battering plaintiff DAVIS, at least  
4 two (2) other defendant officers were assaulting and battering plaintiff ALLEN, without any just  
5 provocation or cause, in that said officers threw plaintiff ALLEN to the ground despite the fact  
6 that he was simultaneously complying with the police order to get down on the ground. Then, a  
7 defendant officer kicked plaintiff ALLEN in his left leg as he lay unresisting face-down on the  
8 ground.

9 While plaintiffs ALLEN and DAVIS were being assaulted and battered by defendant SLPD  
10 officers, other defendant SLPD officers were swarming into plaintiff ALLEN's house, ordering  
11 women and children at gunpoint to come out of the house, and terrifying everyone present,  
12 including children, who were screaming in fear, all without any just provocation or cause.

13 Plaintiffs MONICA OATEZ, MICHAEL OATEZ, MARWAN OATEZ, and JOHNNY D.  
14 STOKES, were among the people ordered out of plaintiff ALLEN's house by defendant officers  
15 with guns pointed at their faces, and assaulted and battered, without any just provocation or  
16 cause. Plaintiffs MICHAEL OATEZ, MARWAN OATEZ, and JOHNNY STOKES were all  
17 thrown to the ground at gunpoint by defendant officers, kned in their backs, forced to lie down  
18 and be handcuffed, and were wrongfully detained, all without any just provocation or cause.

19 Plaintiff MONICA OATEZ was assaulted and battered in that defendant officers wrongfully  
20 pointed guns in her face, and wrongfully detained her. Further, she suffered severe and extreme  
21 emotional distress due to seeing her two sons, plaintiffs MICHAEL OATEZ and MARWAN  
22 OATEZ, thrown down to the ground, and seeing defendant police officers pointing guns at her  
23 sons heads as they lay on the ground.

24 Plaintiff JOHNNY STOKES was asleep in the living room when defendant officers awakened  
25 him with a gun pointed at his head, and then yanked him up by his shirt and arms, walked him  
26 outside the house and ordered him to get down on the ground. He asked, "What's going on?",  
27 and two defendant officers responded by throwing him down to the ground. He was handcuffed  
28 too tightly with his hands behind his back, and defendant officers continued to hold guns pointed  
at his head as he lay unresisting on the ground.

Around the same time that the above plaintiffs were assaulted and battered and falsely

1 arrested or detained, plaintiff, MICHAEL A. FLEURY, had just attended a barbecue at a friend's  
2 house, Bailey Partridge, at 566 Dowling Street, San Leandro, CA 94577. He left and went to his  
3 car. As he was about to open his car door to get in, a car came speeding directly toward him with  
4 bright lights on. Since it looked like the car was going to hit him, plaintiff FLEURY ran to the  
5 sidewalk, and stopped there. At that point, a SLPD defendant officer, wearing jeans and a jacket  
6 approached plaintiff FLEURY with his gun drawn, and said, "Put your hands up in the air." At  
7 that time, that defendant did not identify himself as a police officer. Plaintiff FLEURY later  
8 learned that this man was a defendant police officer.. Plaintiff FLEURY complied and put his  
9 hands up in the air, and then saw a police car pull up behind this defendant officer who was  
10 pointing his gun at plaintiff FLEURY. Plaintiff FLEURY said, "Whoever you are looking for,  
you have the wrong person."

11 The defendant officer responded, "Shut up, and get on the ground.", and plaintiff FLEURY  
12 complied. Plaintiff was asked for his name and address and identification, and he complied.  
13 Then, after several minutes, defendant officers handcuffed plaintiff FLEURY very roughly  
14 yanking his arms, and stood him up. Plaintiff FLEURY could then see about 15 to 18 police  
15 cars, police dogs, and some police officers with assault rifles. As the defendant officers walked  
16 plaintiff FLEURY to a police car, he saw other police officers mistreating other people, including  
17 children, who came out of a white house. After sitting in the back of a police car for 20-40  
18 minutes, two police officers said that they thought they had the wrong person, eventually released  
19 plaintiff FLEURY from the police car, and told him he could go.

20 Plaintiff FLEURY's left shoulder (yanked back really hard by defendant officer and  
21 handcuffed) and right knee (scraped and banged on the ground when plaintiff got down on the  
22 ground when defendant officer ordered him to do so) were injured by defendant officers' assault  
23 and battery upon him, and he suffers anxiety attacks as the result of defendant officers' assault  
24 and battery and false detention against him, which was done without any just provocation or  
cause.

25 Finally, an officer who appeared to be the Lieutenant in charge, established that defendant  
26 officers had raided the wrong house, and attacked the wrong people, and that defendant officers  
27 were actually looking for other people at another house when they committed the wrongful  
28 actions against plaintiffs stated hereinabove. Said Lieutenant SLPD defendant officer then ordered



1 all plaintiffs be released from custody; and offered a cursory apology, handed out his business  
2 card to a few people, and left the scene, along with all the other defendant SLPD officers.

3 Defendant officers assaulted and battered all plaintiffs in this case, ransacked plaintiff  
4 ALLEN's house causing property loss and damages, and falsely detained all plaintiffs, all  
5 without any just provocation or cause. Plaintiffs had not done anything to provoke this assault  
6 upon them, and did nothing to physically resist these officers during their assault on them.  
7 Further, plaintiffs were unarmed. Further, plaintiffs complied with all orders given to them  
8 during this incident by defendant DOE SLPD officers.

9 **B. Defendants' Description of Events Underlying the Action and Factual Bases for  
10 Claims:**

11 Defendants contend that they were searching for an unknown assailant who moments  
12 before had fired shots from a blue PT Cruiser, the same car plaintiffs Lionel Allen and Ralph  
13 Davis were observed walking to that night. Given the totality of the circumstances, and the  
14 tense, rapidly evolving situation with which the officers were confronted, the City's officers are  
15 entitled to qualified immunity for their actions.

16 **C. Principle Disputed Facts:**

17 1. Facts regarding how the subject incident took place between police officers and plaintiffs;  
18 and,

19 2. Facts regarding proof of Monell liability of defendants CITY OF SAN LEANDRO;  
20 JOSEPH KITCHEN; and DOES 11-25, inclusive.

21 **3. PRINCIPLED DISPUTED LEGAL ISSUES:**

22 1. Whether probable cause existed for the detention of plaintiffs: Civil Code Section 43 and  
23 Penal Code Section 236 for false arrest and imprisonment; BAJI 7.60, 7.61, 7.62, 7.63;

24 Larson vs. City of Oakland (1971) 17 CA3d 91, 96; Allison vs. County of Ventura, (1977) 68  
25 CA3d 689; Sullivan vs. County of Los Angeles (1974) 12 C3d 710; City of Newport Beach vs.  
26 Sasse (1970) 9 C.A. 3d 803, 810; Dragna vs. White (1955) 45 C2d 469, 471; Milliken vs. City of  
27 South Pasadena (1979) 158 Cal.Rptr. 409; Floro vs. Lawton (1960) 187 1 C.A. 2d 657, 667;  
28 Muller vs. Reagh (1963) 215 C.A. 2d 831, 836; People vs. Agnew (1940) 16 C. 2d 655, 661;  
People vs. Zilbauer (1955) 44 C. 2d. 43, 50; Collins vs. City and County of San Francisco (1975)  
50 C.A. 3d 671, 673; Moore vs. San Francisco (1970) 5 C.A. 3d 728; Onick vs. Long (1957) 154  
C.A. 2d 381; Gorlack vs. Ferrari (1960) 184 C.A. 2d 702;

2. Whether the force used by defendant police officers DOES 1-10 against plaintiffs was  
objectively reasonable under the circumstances: 42 U.S.C. Section 1983; Benach v. County of



1 Los Angeles (1997) 60 C.A.4th 637, 652; Mendez Marrero v. Toledo (D.Puerto Rico 1997) 968  
 2 F.Supp. 27, 35; Doerle v. Rutherford (9th Cir. 2001) 263 F.3d 1106, 1114; Headwaters Forest  
 3 Defense v. County of Humboldt (9th Cir. 2000) 240 F.3d 1185-1198-1199; Palacios v. City of  
 4 Oakland (N.D.Cal. 1997) 970 F.Supp. 732, 740; Chew v. Gates (9th Cir. 1994) 27 F.3d 1432,  
 5 1440-1441; People v. Daniels (1998) 62 C.A.4th 1529, 1538; Allen v. Muskogee, Oklahoma  
 (10th Cir. 1997) 119 F.3d 837, 840; Martinez v. County of Los Angeles (1996) 47 C.A.4th 334,  
 343-344;

6 3. Whether defendant police officers are entitled to qualified immunity: Same statutes and  
 7 case law as subsection 2. herein;

8 4. Whether plaintiffs' damages were caused by defendants' unreasonable use of force against  
 9 plaintiffs; false detention or arrest of plaintiffs; and/or racially motivated misconduct towards  
 plaintiffs: Same statutes and case law as subsection 2. herein;

10 5. Whether defendant police officers DOES 1-10 are liable to plaintiffs for negligence (and/or  
 11 negligent infliction of emotions distress, as part of plaintiffs' negligence cause of action): Civil  
 12 Code Section 1714; Government Code Section 815.4; Thing vs. La Chusa (1989) 48 C3d 644,  
 13 663-644; Molien vs. Kaiser Foundation Hospitals (1980) 27 C3d 916, 928; Rodrigues vs. State  
 14 (1970) 52 Hawaii 156, 173; Krupnick v. Hartford Accident & Indemnity Co. (1994, 4th Dist.)  
 28 C.A.4th 185, 198-209; People v. Pfeffer (1964) 224 C.A.2d 578, 580-581; Rice v. Southern  
Pacific Co. (1967) 247 C.A.2d 701, 710;

15 6. Whether defendant police officers DOES 1-10 are liable to plaintiffs for intentional  
 16 infliction of emotional distress: Newby vs. Alto Riviera Apartments (1967) 60 CA3d 288, 296;

17 7. Whether defendant police officers DOES 1-10 are liable to plaintiffs for violation of Civil  
 18 Code Section 52.1: Civil Code Section 52.1;

19 8. Whether defendant police officers DOES 1-10 are liable to plaintiffs for assault and  
 20 battery: Civil Code Section 43; Penal Code Sections 240 and 242; Scruggs vs. Haynes (1967)  
 21 252 C.A. 2d 256, 266; BAJI 7.50, 7.51; People vs. Cavazos (1985, 5th District.) 172 C.A. 3d  
 22 589; People vs. Valdez (1985 2d. District) 175 C.A. 3d 103; People vs. Burres (1980) 101 C.A.  
 23 3d 341; People vs. Mendoza (1942) 55 C.A. 2d 625; Lopez vs. Surchia (1952) 112 C.A. 2d 314,  
 318; Singer vs. Marx (1956) 144 C.A. 2d 637, 641; Lowry vs. Standard Oil Company (1944) 63  
 C.A. 2d 1, 7;

24 9. Whether defendant police officers DOES 1-10 are liable to plaintiffs for false detention  
 25 and/or arrest: Civil Code Section 43 and Penal Code Section 236 for false arrest and  
 26 imprisonment; BAJI 7.60, 7.61, 7.62, 7.63; Larson vs. City of Oakland (1971) 17 CA3d 91, 96;  
 27 Allison vs. County of Ventura, (1977) 68 CA3d 689; Sullivan vs. County of Los Angeles (1974)  
 12 C3d 710; City of Newport Beach vs. Sasse (1970) 9 C.A. 3d 803, 810; Dragna vs. White  
 28 (1955) 45 C2d 469, 471; Milliken vs. City of South Pasadena (1979) 158 Cal.Rptr. 409; Floro vs.  
Lawton (1960) 187 1 C.A. 2d 657, 667; Muller vs. Reagh (1963) 215 C.A. 2d 831, 836; People  
vs. Agnew (1940) 16 C. 2d 655, 661; People vs. Zilbauer (1955) 44 C. 2d. 43, 50; Collins vs.

1 City and County of San Francisco (1975) 50 C.A. 3d 671, 673; Moore vs. San Francisco (1970) 5  
 2 C.A. 3d 728; Onick vs. Long (1957) 154 C.A. 2d 381; Gorlack vs. Ferrari (1960) 184 C.A. 2d  
 3 702;

4 10. Whether defendants CITY OF SAN LEANDRO; JOSEPH KITCHEN; and/or DOES 11-  
 5 25, inclusive, acted with deliberate indifference and are liable to plaintiffs under Monell: 42  
 6 U.S.C. Section 1983; Board of County Com'rs of Bryan County, Oklahoma v. Brown (1997) 117  
 7 S.Ct. 1382, 1387-1388; Perkins v. City of West Covina (9th Cir. 1997) 113 F.3d 1004, 1010;  
 8 Palacios v. City of Oakland (N.D.Cal. 1997) 970 F.Supp. 732, 743; Diaz v. Salazar (D.N.M.  
 9 1996) 924 F.Supp. 1088, 1098; Allen v. Muskogee, Oklahoma (10th Cir. 1997) 119 F.3d 837,  
 10 841-842;

11 11. Whether any or all plaintiffs are entitled to an award of punitive damages against  
 12 defendant police officers DOES 1-10, inclusive: Same statutes and case law as subsections 1-4  
 13 and 6-9 herein

14 12. Whether plaintiffs are comparatively at fault: Same statutes and case law as subsection 5.  
 15 herein.

#### 16 4. MOTIONS:

17 Plaintiffs: Stipulation and Proposed Order for Leave to File First Amended Complaint will  
 18 be necessary as soon as defendants produce a police report relevant regarding plaintiffs' subject  
 19 detention and defendant officers in said detention and assault and battery on plaintiffs. The  
 20 police report thus far produced by defendants has no information relative to plaintiffs, and  
 21 Defendants' Initial Disclosure Statement thus far served, does not name the officers involved in  
 22 the subject incident with plaintiffs. Motions to compel discovery, if necessary; and motions in  
 23 limine.

24 Defendants: Summary Judgment/Summary Adjudication motion, if appropriate after  
 25 discovery; motions in limine.

#### 26 5. AMENDMENT OF PLEADINGS:

27 Plaintiffs will seek to file a First Amended Complaint pursuant to Stipulation and Proposed  
 28 Order for Leave to File First Amended Complaint, to amend or substitute names of defendants  
 for DOE defendants, to be learned through production from defendants of a complete relevant  
 police report, and hopefully, an Amended Initial Disclosure Statement from defendants, or  
 through discovery for DOE defendants; and/or to amend, add, or dismiss any Cause of Action.

Defendants dispute that any such information exists and that Plaintiffs are not entitled to



1 further amendment.

2 **6. EVIDENCE PRESERVATION:**

3 All parties have taken and will continue take necessary precautions to ensure that all  
4 potentially relevant and discoverable documents and items are preserved.

5 **7. DISCLOSURES:**

6 Plaintiffs will serve their Initial Disclosure Statement, and accompanying documents and  
7 items, pursuant to F.R.C.P. Rule 26, by March 20, 2008. Defendants will serve their Amended  
8 Disclosure Statement, and accompanying documents and items, pursuant to F.R.C.P. Rule 26, by  
9 March 20, 2008.

10 **8. DISCOVERY:**

11 Plaintiffs request that defendants serve both of plaintiffs' counsel, John L. Burris, Esq., and  
12 Gayla B. Libet, Esq., with separate sets of all discovery responses and documents, and  
13 Defendants' Amended Disclosure Statement, and accompanying documents.

14 The parties will meet and confer regarding any San Leandro Police Department Internal  
15 Affairs documents regarding any investigation and/or findings re the subject incident, and any  
16 prior history of excessive force; false detentions and arrests; and/or treating persons in a manner  
17 that is racially discriminatory by defendant officers in the five years before the date of the subject  
18 incident. Defense counsel can agree to produce any such documents to the Court to conduct an  
19 in camera review to determine relevance and materiality. If the Court determines that there are  
20 any documents to be produced, the parties agree that such documents are confidential and  
21 privileged, and their release will be subject to a Stipulated Protective Order to be worked out  
22 between the parties.

23 c. A maximum of fifty (50) Interrogatories by each party to any other party shall be permitted.  
24 Responses to a party's Interrogatories shall be due pursuant to the Federal Rules of Civil  
25 Procedure.

26 d. A maximum of fifty (50) Requests for Production of Documents by each party to any other  
27 party shall be permitted. Responses to a party's Requests for Production of Documents shall be  
28 due pursuant to the Federal Rules of Civil Procedure.

e. A maximum of twenty-five (25) Requests for Admission by each party to any other party  
shall be permitted. Responses to a party's Requests for Admission shall be due pursuant to the



1 Federal Rules of Civil Procedure.

2 f. At this time, the parties do not agree to limit the number depositions that shall be permitted  
3 by all parties.

4 g. The parties will meet and confer regarding the scheduling of any independent medical  
5 examination of any plaintiff.

6 h. All reports from retained experts, if any exist, shall be disclosed at the time the expert is  
7 designated.

8 i. The Federal Rules of Civil Procedure shall govern all supplementations.

9 **9. CLASS ACTIONS:**

10 This is not a class action.

11 **10. RELATED ACTIONS:**

12 There are no related actions.

13 **11. RELIEF:**

14 Plaintiffs pray for relief in his Complaint, as follows:

- 15 1. For general damages in the sum of \$ 1,000,000.00;
- 16 2. For special damages according to proof;
- 17 3. For punitive damages against named defendant police officers and DOES 1-25, inclusive,  
18 according to proof;
- 19 4. For injunctive relief enjoining defendant CITY OF SAN LEANDRO from authorizing,  
20 allowing, or ratifying the practice by any of their employees from using unreasonable excessive  
21 force; effecting unreasonable and improper arrests and imprisonments of persons; and, from  
22 treating persons in a manner that is racially discriminatory, pursuant to California Civil Code  
23 Section 52.1;
- 24 5. For violation of California Civil Code 52 and 52.1, punitive damages against defendant  
25 police officers; \$ 75,000.00 for each offense; and reasonable attorney's fees;
- 26 6. For reasonable attorney's fees pursuant to 42 U.S.C. Sections 1983 and 1988;
- 27 7. For costs of suit herein incurred; and,
- 28 8. For such other and further relief as the Court deems just and proper.

Defendants deny Plaintiffs are entitled to any relief.

**SPECIAL DAMAGES:**

1 The only relevant records thus far obtained are partial medical records for plaintiff  
2 RALPH P. DAVIS's diagnosis and treatment at St. Rose Hospital, Emergency Dept. for  
3 left shoulder strain on 7-4-06, which state plaintiff can return to work on 7-7-06.

4 Plaintiffs' counsel has not yet obtained the medical records, billing statements, or loss of  
5 wages documentation for plaintiffs, other than the above.

6 **12. SETTLEMENT AND ADR:**

7 The parties have not yet engaged in any settlement discussions, offers, demands, or requests.  
8 The parties have filed a Stipulation and Order Selecting ADR process, and have been referred to  
9 Early Neutral Evaluation by the Court.

10 **13. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES:**

11 The parties do not consent to a Magistrate Judge conducting this case, except for  
12 discovery-related issues.

13 **14. OTHER REFERENCES:**

14 This case is not suitable for reference to binding arbitration; a special master; or Judicial Panel  
15 on Multidistrict Litigation.

16 **15. NARROWING OF ISSUES:**

17 After some discovery has occurred, the parties may have reason to meet and confer regarding  
18 various issues related to causes of action or production and disclosure of evidence.

19 **16. EXPEDITED SCHEDULE:**

20 This case is not subject to an expedited schedule.

21 **17. SCHEDULING:**

22 a. All discovery, except that regarding expert witnesses to this action, shall be commenced in  
23 time to be completed no later than one hundred twenty (120) days before the date of trial.

24 b. The exchange of identities of expert witnesses are to be disclosed by not later than ninety  
25 (90) days before trial date, with discovery of said expert witnesses to be completed by no later  
26 than sixty (60) days before trial date.

27 c. All potentially dispositive motions will be heard by no later than thirty (30) days before  
28 trial.

Defendants anticipate making motions for Summary Judgment/Summary Adjudication on  
behalf of the individual defendants on the various claims outlined in the Complaint, after the



1 appropriate discovery has been conducted, including but not limited to qualified immunity and  
2 any and all applicable state affirmative defenses.

3 d. Pretrial Conference Date: Thirty (30) days before the scheduled trial date.

4 e. Trial Date: April 2009.

5 **18. TRIAL:**

6 This action should be ready for trial by April 2009, and is expected to take approx. five (5)  
7 days. **19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS:**

8 The parties do not have any knowledge of any non-party interested entities or persons at  
9 this time.

10 Respectfully submitted,

11 LAW OFFICES OF GAYLA B. LIBET

12 Dated: March 20, 2008

13 By: /s/ Gayla B. Libet

14 GAYLA B. LIBET, Esq.  
15 Attorneys for Plaintiffs

16 LAW OFFICES OF JOHN L. BURRIS

17 Dated: March 20, 2008

18 By: /s/ John L. Burris

19 JOHN L. BURRIS, Esq.  
20 Attorneys for Plaintiffs

21 MEYERS, NAVE, RIBACK, SILVER & WILSON

22 Dated: March 20, 2008

23 By: /s/ Tricia L. Hynes

24 TRICIA L. HYNES, Esq.  
25 Attorneys for Defendants